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JUN 12 2002

MARY E. D'ANDREA, CLERK  
Per MB Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRELL G. OBER,

Plaintiff

vs.

PAUL EVANKO, MARK CAMPBELL,  
THOMAS COURY, JOSEPH WESTCOTT,  
HAWTHORNE CONLEY,

Defendants

NO. 1: CV-01-0084  
(Judge Caldwell)

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

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**STATEMENT OF MATERIAL FACTS**  
**EXHIBITS TO THE DEFENDANTS' RESPONSE**  
**TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

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**Exhibit**

<i>Ober v. Evanko</i> , Pet. for Prelim. Inj., No. 35 M.D. 2000 (Pa. Commw. filed Jan. 26, 2000) .....	A
<i>Ober v. Evanko</i> , Pet. for Mandamus, No. 35 M.D. 2000 (Pa. Commw. filed Jan. 26, 2000) .....	B
<i>Ober v. Evanko</i> , Petitioner's Mot. To Withdraw, App. A, No. 35 M.D. 2000 (Pa. Commw. filed Jan. 27, 2000) .....	C
<i>Ober v. Evanko</i> , Respondents' Application to Dismiss for Mootness Pursuant to Pa.R.C.P. 1972(4), No. 35 M.D. 2000 (Pa. Commw. filed Feb. 23, 2000) .....	D
<i>Ober v. Evanko</i> , No. 35 M.D. 2000 (Pa. Commw. Mar. 30, 2000) .....	E

**Exhibit**

*Ober v. Evanko*, Pet. for Review, No. 238 M.D. 2000  
(Pa. Commw. filed May 9, 2000) ..... F

*Ober v. Evanko*, 238 M.D. 2000, slip. op. at 6  
(Pa. Commw. Sept. 6, 2000) .....G

**DEPOSITIONS:**  
**(Listed Alphabetically)**

Mary Bungo (*1 video tape and transcript*) .....H

Thomas Carr (*1 videotape and transcript*)..... I

Mark Grab (*1 videotape and transcript*) .....J

Walter J. Margeson (*2 videotapes and transcript*).....K

Marie Marshall (*1 videotape and transcript*) ..... L

William McAlreavy (*1 videotape and transcript*) .....M

Robert Dane Merryman (*2 videotapes and transcript*) .....N

Darrell G. Ober (*December 7, 2001/transcript only*) .....O

Wilfred Pudliner (*1 videotape and transcript*)..... P

Larry Riley (*1 videotape and transcript*) .....Q

Robert G. Werts (*1 videotape and transcript*) .....R

Thomas Williams (*2 videotapes and transcript*)..... S

**Exhibit**

Plaintiff's Answers to Defendants' Interrogatories ..... T

**AFFIDAVITS:  
(Listed Alphabetically)**

Rebecca L. Brown.....U

Hawthorne N. Conley.....V

Phillip L. DeWire .....W

Robert R. Einsel .....X

Francis E. Koscelnak.....Y

Rose A. Polek.....Z

Charles J. Skurkis.....AA